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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

1998 Biennial Regulatory Review --
Streamlining of Mass Media Applications
Rules, and Processes

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MM Docket # 98-43

COMMENTS

1. These Comments are being submitted by Graham Brock, Inc. ("GBI"), a Broadcast Technical Consulting firm and are in response to the Commission's Notice of Proposed Rule Making ("Notice") in MM Docket #98-43. The Commission is soliciting comments regarding changes to its processing of several Mass Media applications which will enable submission of the application electronically, thus allowing more expeditious processing.

2. Requirement to Submit Contour Overlap Maps in Multiple Ownership

Showings. As pointed out in the Notice, the need to submit a contour overlap map and tabulation of stations in the market may no longer be necessary. The proposed worksheet is structured in such a manner as to allow the applicant to take the data from most market evaluations and complete the form quickly. The analysis should be stored in the station's

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public files for review by the general public or to be used to substantiate the data indicated on the worksheet. Should a question arise concerning the acquisition, this data is then immediately available (by overnight delivery from virtually any location in the US) for submission to the Commission. Once the transaction has been approved, consummated and beyond appeals, the data in the public file can be removed (because of the relocation of stations, the data in the analysis will likely change to the point of not being relevant).

3. Review of Draft Forms. Since our experience is with the technical portions of the various forms being considered herein, our comments are directed to these sections. In many cases, the legal counsel for the station (or new applicants) prepares the legal portion of the form, with the engineering consultant completing the technical data. Under normal circumstances, after applicant has reviewed the engineering section, it is forwarded to legal counsel for compilation with the legal section and then submission to the Commission. For electronic filing, it would seem a single point of entry would be the most practical, but this would necessitate the hardcopy preparation of the technical section to be keyed in by legal counsel, or in some cases, the legal and technical sections would have to be entered by technical counsel. Based on the manner in which the filing is to be made, we suggest a universal format be selected to allow for the preparation of the sections separately, and then saved in an electronic format, word perfect file, ASCII, etc, which can be inserted into the remainder of the submission. In this manner, the material to be inserted can be e-mailed, sent via a modem or saved to a floppy disk and sent. Further, where there is to be an attachment (exhibit) to the respective forms, the manner in which this is to be submitted (scanned in as a graphics file attachment, etc.) should be determined.

4. The draft 301 form should be altered to have the engineering certification as a separate item (apart from the legal/applicant certification). As indicated above, the engineering sections are usually prepared separately, with the engineer not seeing the legal section prior to submission. The certification can be a single separate page immediately following the application's certifications, preceding it or made a part of the respective engineering section (III-A, III-B, III-C or III-D). Further, it would appear that the antenna and terrain data and contour distances were left off section III-B. This same table is incorporated as part of the section III-C and III-D, but not the FM engineering section.

5. **Rule Revisions.** We support the changes proposed relating to directional antenna system submissions with the original application for construction permit. The need to specify the manufacturer based on an envelope pattern seems superfluous. Further, submitting the tabulated data of the envelope pattern with the initial application will minimize the needed exhibits associated with the directional antenna. The tabulated data will provide sufficient information to verify the antenna parameters and protection criteria without the need to submit a horizontal plane pattern and vertical plane pattern of the system. All of this data can be supplied, with the help of the actual antenna manufacturer, at the time of licensing.

6. **Enforcement Proposals.** With the proposed changes to the various forms proposed in the Notice, the Commission questions the need to audit applications occasionally to insure the applicants are, in fact, complying with the rules. The lessening of the information needing to be submitted does require the applicants to be forthright in the manner in which the various questions

on the forms are answered. In many cases, the applicants will still rely on legal and engineering counsel for guidance in completing the form. Many of the engineering consultants who represent applicants on technical matters before the Commission and its staff are known for their respective engineering expertise and ethical conduct. Of concern in this streamlined process are those practitioners who either do not understand the process or submit data which is invalid, either of which would delay processing and undermine the expedited processing goals.

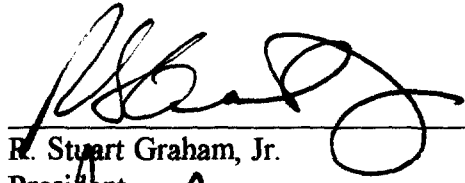
7. We suggest the staff ascertain who has prepared the underlying technical data, through the use of some type of identification number.¹ If the identification numbers indicate a group, company or individual who has practiced before the Commission for some time and whose qualifications are a matter of record with the Commission and staff, only an occasionally random audit may be all that is necessary. If, however, the engineering was prepared by a novice engineer or by the applicant, a more thorough review of the application would be in order. These submissions could be pulled for a more complete review, with additional backup material sought from the applicant, as necessary. In this manner, the applications review process could be expedited, without concern for rules violations and technical accuracy. As a preparer's work becomes more familiar to the Commission, the Staff could informally designate the preparer for less stringent review.

8. **Construction Permit Extensions.** We support the increased time to build facilities to a maximum of three years. We would suggest permittees be allowed to modify their permits within the first half (18 months) of the initial grant.

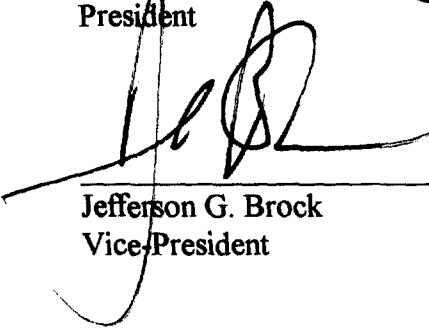
1) An employer identification number, tax ID number, etc. could be used to identify the preparer.

These comments were prepared by Graham Brock, Inc. We have tried to be accurate in the preparation of these comments.

Respectfully submitted by Graham Brock, Inc, on June 16, 1998.



R. Stuart Graham, Jr.
President



Jefferson G. Brock
Vice-President